

NC Local Government Emergency Management Laws and Authorities

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Emergency Preparedness and Response
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Today We'll Cover

- General Overview of EM Legal Framework
- Local Government Authorities
- Local Ordinances
- Local State of Emergency Declarations
- Emergency Management Planning

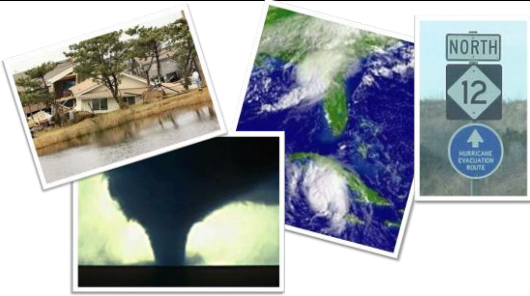


What Do You Think?

- A county imposed a curfew – does it apply to a municipality within that county?
- Can law enforcement arrest someone for violating a curfew?
- How does a local government enforce a mandatory evacuation?
- Is alcohol automatically banned under a State of Emergency declaration?



Legal Framework



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What is a “Disaster”?

NC law follows the “**all-hazards**” approach:

“Disaster” = “**any** occurrence or imminent threat of widespread severe damage, injury, or loss of life or property resulting from **any** natural or man-made accidental, military, or paramilitary cause.” G.S. 166A-4(1)

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What is Emergency Management?

Emergency Management includes “the **never-ending preparedness cycle** of planning, prevention, mitigation, warning, movement, shelter, emergency assistance, and recovery.” G.S. 166A-4(4)

NC Emergency Management Program includes “**all aspects** of preparations for, response to, and recovery from war or peacetime disasters.” G.S. 166A-5

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The “Never Ending Cycle”



EM Legal Framework

FEDERAL

- Stafford Act PL 93-288 (as amended); Title 44 CFR
- President – DHS – FEMA

STATE

- Chapter 166A
- Governor – DPS – DEM

LOCAL

- Chapter 166A, Article 36A of Chapter 14, Local Ordinance
- Board Chair/Mayor – Manager – EM Coordinator

Role of Local Governments

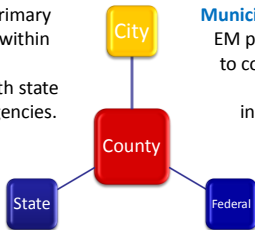
All disasters begin and end at the **local** level.

“Local government has the **primary role** of planning and managing all aspects of the community’s recovery. Individuals, families and businesses look to local governments to articulate their recovery needs.”

-National Disaster Recovery Framework (Sept. 2011, p. 22)

Role of Local Governments

County: has primary responsibility within the county to coordinate with state and federal agencies.



Municipality: operates EM programs subject to coordination with county, but has independent legal authorities.

Local Government Authorities



Local Government Authorities

- Establish emergency management department and appoint director
- Expend local funds
- Develop and coordinate emergency management plans
- Enter into **mutual aid** and **interlocal agreements**

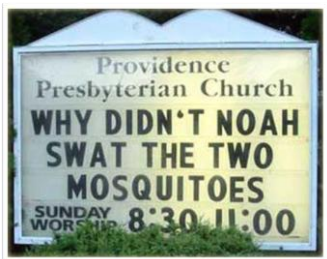
Local Government Authorities

- Coordinate voluntary registry of functionally & medically fragile persons (information in registry remains confidential)
- Adopt **local ordinances** to impose restrictions and take necessary actions
- Issue **State of Emergency Declarations**

Intergovernmental Cooperation

- Jurisdictions OUTSIDE of NC – EMAC
Article 4, Chapter 166A; G.S. 166A-10(c)
- Jurisdictions INSIDE of NC – Mutual Aid
G.S. 166A-10(b)
- Joint Local Government EM Agencies
G.S. 166A-7(b)
- Interlocal Agreements
Article 20, Chapter 160A

Local Emergency Ordinances



Local Emergency Ordinances

- Local governments authorized to adopt local emergency ordinances
- Local ordinances are the **primary source** of local government legal authorities within their jurisdictions, especially under a State of Emergency Declaration
- Restrictions and prohibitions are triggered by State of Emergency Declaration

Local Emergency Ordinances

To maximize legal authority, local ordinances should:

- Specify local powers & restrictions when emergency is declared
- Clarify who local decision-making body is
- Delegate declaration authority if necessary
- Cite legal authority for local state of emergency declarations
- Provide penalties for violations - *clear citation for law enforcement*
- Affirm compliance with NIMS and use of ICS

Local State of Emergency



Local State of Emergency

How is it issued?

- Declared by local government when “imminent threat” of disaster exists
- Can be issued by County Board Chair, Mayor, Chief Executive Official of City or County, or other designated in local ordinance
- Does not require governing board ratification

Local State of Emergency

What does it do?

- Triggers **local emergency ordinances**
- Applies only within the jurisdiction issuing it (county declaration cannot apply within municipality without consent)
- May be necessary for federal aid

Local State of Emergency

Restrictions and Prohibitions allowed:

Movements of people in public places, evacuations, limited ingress and egress



Violations punishable as Class 3 misdemeanor

Local State of Emergency

Restrictions and Prohibitions allowed:

Operation of businesses and places
people travel to and from and gather



Violations punishable as Class 3 misdemeanor



Local State of Emergency

Restrictions and Prohibitions allowed:

Possession, transportation, sale,
purchasing and consumption of alcohol



Violations punishable as Class 3 misdemeanor



Local State of Emergency

Restrictions and Prohibitions allowed:

Possession, transportation, sale, purchase, storage
and use of dangerous weapons and gasoline



Violations punishable as Class 3 misdemeanor



Local State of Emergency

Restrictions and Prohibitions allowed:

Other actions necessary to maintain order and protect lives and property



Violations punishable as Class 3 misdemeanor

"Chain of Authority"

State Statutes

(G.S. Chapter 166A, Chapter 14, Article 36A)



Local Emergency Ordinance



Local State of Emergency Declaration

Importance of Planning



Emergency Management Planning

- Planning is a critical component of emergency management
- Involves many local departments & personnel
- Local plans must be consistent with state and federal laws and regulations, and NCDDEM standards - G.S. 166A-5(3)(c), 166A-7(d)(2)
- Federal and state grant funding tied to local planning and professional competencies - G.S. 166A-7(e)



Legal Preplanning Checklist

- ☒ Preposition contracts (such as debris removal)
- ☒ Execute mutual aid & interlocal agreements
- ☒ Compile & back-up relevant documents
- ☒ Develop templates for declarations, contracts, etc.
- ☒ Check local ordinances for needed updates
- ☒ Be familiar with local, state, and federal laws
- ☒ Involve your local attorney



Thank You!



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